S.B. CR.MISC.BAIL APPL.NO.6972/2007.

Subhan Khan
Vs.
State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri NA Naqvi for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that cross-cases were registered at the instance of both the parties. While the FIR was registered by the accused-party against the complainant whereas large number of arrests were made in the FIR lodged by the complainant. The learned court below rejected the bail application of the accused-petitioner but subsequently, when compromise was arrived at between the parties, then, on consideration of this very fact, the learned court below extended the benefit of bail to seven co-accused namely; Subhan Khan, Tendu, Tayyab Khan, Aas Mohd., Ilai, Harun and Katula. The case of the petitioner is in no way graver or distinguishable from that of seven co-accused persons who have been enlarged on bail. The petitioner is in jail since 24/9/2007 and now his detention is no longer required

for the purpose of investigation. The investigation is almost complete and the trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Subhan Khan S/o Suleman shall be released on bail in F.I.R. No.281/2007 P.S. Khairthal, District Alwar for offences under Sections 323, 341, 436, 379, 143 and 447 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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